



# California Fair Political Practices Commission

May 22, 1989

Bob Connelly  
Chief Administrative Officer  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 94249-0001

Re: Your Requests for Informal  
Assistance  
Our File Nos. I-89-110, 111 and 112

Dear Mr. Connelly:

You have written three letters requesting advice regarding the mass mailing provisions of the Political Reform Act (the "Act")<sup>1/</sup>, as amended by Proposition 73. Because your requests do not involve specific mailings, we are treating your requests as ones for informal assistance.<sup>2/</sup>

In your letters, you have requested confirmation of telephone advice previously provided to you. In certain cases, we have determined that our telephone advice was not correct. Accordingly, we have revised those conclusions.

In this instance, we will provide this letter to the Commission for review at its next meeting. In the meantime, this letter provides interim advice.

## QUESTIONS

1. May a mass mailing be sent at public expense on stationery of a committee of the Legislature where the name of the committee chair is printed in the middle of the page, and the

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329 (c)(3).)

names of the other committee members are printed on the side of the page?

2. May a notice of a community meeting be sent in a mass mailing at public expense where the notice is not on the legislator's letterhead or on official stationery?

3. May the notice say that "Legislator X" invites you to a community meeting?

4. May the notice state that "Legislator X's legislation" on the particular topic of the meeting will be discussed?

5. May the notice state "for more information call" and list the legislator's district office telephone number?

6. May a legislator mail or deliver to a school over 200 copies of a public interest booklet which is stamped "Compliments of Legislator X," and enable the school to make the booklets available in its school offices for members of the public to pick up?

#### CONCLUSIONS

1. Committee letterhead used in mass mailings may not list the committee chair in the logotype at the middle of the page, and the names of the committee members on the side of the page. The names of all committee members must be listed in the same location and in the same type size and typeface.

2. Mass mailings of notices of community meetings need not be sent on a legislator's letterhead or stationery.

3. The notice may state that "Legislator X invites you to a community meeting" so long as that is the only reference to Legislator X in the mailing.

4. The notice may state that "Legislator X's legislation" on the particular topic of the meeting will be discussed, so long as that is the only reference to Legislator X.

5. The notice may not include a phrase stating "for more information call" and listing the legislator's district office telephone number.

6. Materials made available at an agency such as a school do not fall under the mass mailing prohibition when they are picked up by members of the public for themselves. Such materials may be stamped "compliments of Legislator X." However, materials which are distributed in classrooms, or which are made available in connection with class studies are subject to the prohibition and may not be stamped "compliments of Legislator X."

### ANALYSIS

Section 89001 provides that no mass mailing shall be sent at public expense. Regulation 18901 clarifies that the purpose of Section 89001 is to prevent elected officers from using public funds to send out newsletters and other mass mailings.

#### Committee letterhead

Regulation 18901(e) provides:

(e) A newsletter or other mass mailing is not prohibited by Government Code Section 89001 if it meets all of the following criteria:

1) The stationery, form and envelopes used for the mailing are the standard stationery, forms and envelopes of the agency or committee of the agency; and

2) The name of an elected officer who is affiliated with the agency or committee appears in the standard letterhead or logotype of the stationery, forms or envelopes of the agency, a committee of the agency, or the elected official and the newsletter or mass mailing is not otherwise prohibited under subdivision (c).

As used in this subdivision, the term "letterhead or logotype" includes a listing of agency or committee officials or members, in which all who are listed appear in the same typeface and type size and location in the layout of the newsletter or other mass mailing.

Under this exception, a legislator may send out mass mailings on his or her individual or committee letterhead so long as the letter otherwise meets the requirements of Regulation 18901(e). However, the chairman and all the remaining members of the committee must be listed in the same typeface, type size and location. Thus, the chairman may not be listed in the middle of the page if the remaining members are listed at the side of the page. Again, this is interim advice based on a strict reading of the regulation. The advice will be reviewed by the Commission at its next meeting.

#### Notice of public meeting

Regulation 18901(f)(8) provides an exception from the mass mailing prohibition for mailings sent to the elected officer's

constituents which directly relate to that elected official's incumbent governmental duties. It provides that the notice may solely include the time, date, place, and a concise description of the subject matter of a public meeting to be held by the elected officer. The name of the elected official may be used once in the notice in order to identify the elected official holding the meeting. (Clark Advice Letter, No. I-89-031; Murphy Advice Letter, No. A-89-088, copies enclosed.)

In specific response to your questions, since such notices are exempt from the prohibition, they need not be sent on the legislator's letterhead or stationery. The notice may say that "Legislator X" invites you to a community meeting so long as that is the only reference to Legislator X in the mailing, and the mailing is otherwise limited to the information allowed under the exception. Similarly, the notice may state that "Legislator X's legislation" on the particular topic of the meeting will be discussed, so long as that is the only reference to Legislator X and the notice is otherwise limited to the information allowed under the exception.

Finally, we do not believe the notice may state "for more information call" and list the legislator's district office telephone number. The exceptions to the mass mailing prohibition are limited exceptions which are narrowly construed. (Lancaster Advice Letter, No. I-89-026; Clark Advice Letter, No. I-89-031; Kurle Advice Letter, No. A-89-099.) Since such information is not specifically enumerated as the type of information which may be included in the notice, we believe it must be excluded.

#### Delivery to schools

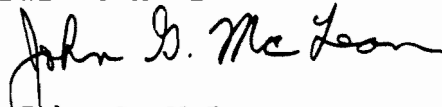
Mailings which are sent in response to an unsolicited request do not fall under the mass mailing prohibition. (Section 89001.) Regulation 18901(h) provides that members of the public who come to an agency's offices and who pick up materials for themselves will be deemed to have made an unsolicited specific request for those materials. Thus, materials made available at an agency such as a school do not fall under the mass mailing prohibition when they are picked up by members of the public for themselves. Such materials may be stamped "Compliments of Legislator X." However, materials which are distributed in classrooms, or which are made available in connection with class studies will not be considered to be the subject of an unsolicited request. (Alquist Advice Letter, No. I-89-109, copy enclosed.)

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If you have any further questions, please contact me at (916)  
322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in black ink, appearing to read "John G. McLean". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

By: John G. McLean  
Counsel, Legal Division

KED:JGM:plh

Enclosures

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ROOM 3016 STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CALIFORNIA 94249-0001  
TELEPHONE: (916) 445-8173

TOM BANE  
CHAIRMAN

FEB 10 11 38 AM '89

February 9, 1989

Ms. Diane Griffith  
General Counsel  
F.P.P.C.  
428 J Street, Suite 800  
Sacramento, CA 95804

Dear Ms. Griffith:

I understand that John McLean had advised the Senate that regulation 18901, which requires that the names of all Senate Committee members be in the same size type on the committee stationery, permits the name of the committee chair to be printed in the middle of the page, and the names of the other committee members in a list on the side of the page. The name of the committee chair must still be in the same size type as the names of the other members.

I would appreciate written confirmation of this advice, and that it applies to the Assembly as well as the Senate.

Sincerely,



BOB CONNELLY  
Chief Administrative Officer

BC:BM:dd

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# California Legislature

## Assembly Rules Committee

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P.O. BOX 942849

SACRAMENTO, CALIFORNIA 94249-0001

TELEPHONE: (916) 445-8173

TOM BANE

CHAIRMAN

February 9, 1989

Ms. Diane Griffith,  
General Counsel  
F.P.P.C.  
428 J Street, Suite 800  
Sacramento, CA 95804

Dear Ms. Griffith:

I am writing to confirm telephone advice given to Barbara Milman by John McLean on January 1, 1989 that a legislator may send more than 200 copies of a notice to his or her constituents announcing a community meeting concerning a particular topic of community interest and the legislator's current legislation on that topic. John McLean advised the following:

1. The notice need not be on the legislators's letterhead or on official stationery.
2. The notice may say that "Legislator X" invites you to a community meeting.
3. The notice may include the time, date, and place of the meeting, and may state that "Legislator X's legislation" on the particular topic of the meeting will be discussed.
4. The notice may include "for more information call" and list the legislator's district office telephone number, but may not mention the legislator's name or identify the number as being the telephone number of the legislator's district office.

I would appreciate written confirmation of this advice.

Sincerely,



BOB CONNELLY  
Chief Administrative Officer

BC:BM:dd

MEMBERS

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Majority Vice Chair

89-112  
CHIEF ADMINISTRATIVE OFFICER  
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## Assembly Rules Committee

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TOM BANE  
CHAIRMAN

February 9, 1989

Ms. Diane Griffith,  
General Counsel  
F.P.P.C.  
428 J Street, Suite 800  
Sacramento, CA 95804

Dear Ms. Griffith:

I am writing to confirm telephone advice given to Barbara Milman of the Assembly Elections, Reapportionment and Constitutional Amendments Committee by Jeanne Pritchard, January 12, 1989 concerning the interpretation of Regulation 18901(h):

"Members of the public who come to an agency's office or to a meeting and who pick up materials for themselves will be deemed to have made an unsolicited specific request for those materials."

Ms. Pritchard advised that the term "agency" in the regulation refers to any government agency, not just the official's own agency. Specifically, she advised that a legislator may mail or deliver to a school over 200 copies of a public interest booklet which is stamped "Compliments of Legislator X", and that the school may make the booklets available in its school offices for members of the public to pick up.

I would appreciate written confirmation of this advice.

Sincerely,



BOB CONNELLY  
Chief Administrative Officer

BC:BM:dd



89-110

MEMBERS

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## Assembly Rules Committee

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TOM BANE  
CHAIRMAN

Feb 11 1989  
11:00 AM

February 9, 1989

Ms. Diane Griffith  
General Counsel  
F.P.P.C.  
428 J Street, Suite 800  
Sacramento, CA 95804

Dear Ms. Griffith:

I understand that John McLean had advised the Senate that regulation 18901, which requires that the names of all Senate Committee members be in the same size type on the committee stationery, permits the name of the committee chair to be printed in the middle of the page, and the names of the other committee members in a list on the side of the page. The name of the committee chair must still be in the same size type as the names of the other members.

I would appreciate written confirmation of this advice, and that it applies to the Assembly as well as the Senate.

Sincerely,



BOB CONNELLY  
Chief Administrative Officer

BC:BM:dd



# California Fair Political Practices Commission

February 23, 1989

Bob Connelly  
Chief Administrative Officer  
Assembly Rules Committee  
State Capitol, Room 3016  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Letter No. 89-110

Dear Mr. Connelly:

We received your letter requesting confirmation of advice under the Political Reform Act on February 16, 1989. Your letter has been assigned to John McLean for response. If you have any questions, you may contact Mr. McLean directly at (916) 322-5901.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

Diane M. Griffiths  
General Counsel

DMG:plh:confadv1